

REMARKS

The following comments are responsive to the Office Action mailed April 1, 2009 (“Action”). Reconsideration and allowance of the claims based on the above amendments and below remarks are respectfully requested.

- Claims 1-4 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Applicant’s Admitted Prior Art (hereinafter “AAPA”), Sachs, et al (US Pub. 2006/0154603), and Bhagavath, et al. (US 6,163,810);
- Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Sachs, and Bhagavath, further in view of Chuah, et al. (US 6,515,994);
- Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Sachs, and Bhagavath, in further view of Chang, et al. (US 6,963,972);
- Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Sachs, and Bhagavath, in further view of Peterka, et al (US Pub 2002/0174366);
- Claims 9, 11, 14, and 16 stand rejected under U.S.C. 103(a) as being unpatentable over an alleged combination of AAPA and Chuah, in further view of Bhagavath;
- Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Chuah, and Bhagavath, in further view of Chang;

- Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Chuah, and Bhagavath, in further view of Peterka;
- Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Chuah, and Bhagavath, in further view of Deng (US 6,208,647);
- Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Sachs, and Bhagavath, in further view of Deng;
- Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Chuah, and Bhagavath, in further view of Virgile, et al. (US 6,539,022); and
- Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of AAPA, Sachs, and Bhagavath, in further view of Virgile.

Applicants respectfully traverse these rejections for at least the reasons articulated below.

Claim 1 has been amended to incorporate features of previous claims 7 and 14, and now recites a processor configured to, “when a host is added to the group during the first file delivery transmission then, following completion of the sequence of data packets, cause re-transmission of said file to the group as a sequence of data packets in a second file delivery transmission.” The combination of AAPA, Sachs, Bhagavath, and Chuah, even if proper, fails to disclose the features recited in amended claim 1. The Action considered the re-transmission of the file

previously recited in claim 7 to be disclosed by Chuah, column 5, line 52 to column 6, line 17.

See Action, p. 8. Applicants respectfully disagree.

The cited passage of Chuah does not disclose re-transmission of a file on completion of a sequence of data packets. Instead, Chuah discloses only re-transmission of packets that were not successfully received by the clients, in response to requests from those clients. For instance, column 6, lines 3 to 13 read as follows:

“Each client has a control means for communicating a reception status signal from the client to the server. The status signal could be in the form of a request for blocks not received or a statement of blocks received... In response to the status signal, the server continues the multicast by retransmitting the blocks not received by the later clients after completing transmission of all of the blocks in the dataset.”

Emphasis added. In other words, the cited passage of Chuah merely discloses the transmission of specific missed packets in response to requests from the hosts. Consequently, the combined disclosures of the AAPA, Sachs, Bhagavath, and Chuah, even if proper, fail to disclose the subject matter of amended claim 1.

Moreover, none the cited references envisages re-transmission of a file in the manner of claim 1. The re-transmission of claim 1 can potentially provide an improvement in efficiency, since hosts that join the group during the first file delivery transmission are not required to transmit individual requests with different requirements. In addition, the re-transmission allows yet further hosts to join the group during the second file delivery transmission, receive the remaining data packets in the sequence, and benefit from a further re-transmission of the file without having to wait for the configuration of a new multicast group or a subsequent scheduled

transmission of the file. Therefore, the method of amended claim 1 defines over the combined disclosures of the AAPA, Sachs, Bhagavath, and Chuah.

The methods of claims 9 and 17 and the apparatus of claim 23 are also non-obvious from the disclosures of the cited references by the transmission/reception of the second file delivery transmission. The subject matter of the remaining claims is non-obvious by way of dependency on claim 1, 9, 17, or 23, in addition to the features they recite.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,
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